

CAAV PANEL OF MEDIATORS

GUIDANCE FOR APPLICANTS TO THE PANEL

30th June 2022

Applications are now open to be considered for membership of the CAAV Panel of Mediators.

Unless otherwise instructed or necessary the President would appoint or nominate mediators from this Panel while parties would be free to make their own appointments from its members.

The Application Form and Papers

The application is to be made on this [form](#) (available on the website) and sent to Secretariat together with:

- the applicant's curriculum vitae
- a record of CPD over the last three years
- a copy of a current Professional Indemnity Insurance certificate covering any personal work the applicant undertakes as a mediator
- any other papers thought helpful to the application

The form refers to:

- the CAAV Dispute Resolution Charter which can be seen [here](#)
- the Terms of Appointment to the Panel of Mediators, reproduced as an Annexe to this paper.

In completing the form, applicants are asked to review their mediation experience and style.

The fee of £150 (including VAT) can be paid by either a cheque accompanying the form or by transfer to the CAAV: Account No. 55608568 Sort Code: 30-93-48.

Status as a Mediator

At least at this stage, the Panel is being appointed from existing mediators and so the process is looking for those with:

- a relevant mediation qualification, as from a body such as the Chartered Institute of Arbitrators (CI Arb) or the Centre for Effective Dispute Resolution (CEDR)
- some experience of mediation work.

Supporting Professional(s)

While not asking for a proposer or seconder, the form asks for the names of up to three professionals who could comment on the applicant's work in mediation.

It is recognised that those who have started mediation work more recently might not have three such people to name.

It might be prudent for the applicant to check with their suggested names before listing them on the form.

The Process

On receiving an application, the Secretariat will check it and the supporting papers for completeness and any obvious questions.

The process then differs from that for the selection of arbitrators as there is no similar specific body of statute, case law and practice that can more readily form the basis of an interview.

A Selection Panel is being formed to consider the applications. It is expected to comprise a mediator and lawyer and a member with experience of using mediation. It will consider the papers received and is not generally expected to require an interview.

The professional(s) named on the form might be contacted at any point in the process.

The Selection Panel will make its recommendations as to:

- whether an applicant be appointed to the Panel and if so whether for 3, 4 or 5 years
- whether, instead, an applicant is refused or a deferral is suggested
- any other matter.

Those recommendations would be considered by the CAAV Executive which might first do this in October or December 2022.

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CAAV – FACILITATING DISPUTE RESOLUTION

TERMS OF APPOINTMENT TO THE CAAV PANEL OF MEDIATORS

Appointment to the CAAV Panel of Mediators

On your signing, dating and returning this document, the President of the CAAV is pleased to appoint you to the CAAV's Panel of Mediators for the period until on the following terms which apply throughout that period so long as you are a member of the Panel. This appointment does not guarantee that you will receive any appointments in this period

1. You will act to uphold and implement the CAAV's Dispute Resolution Charter (attached as an Appendix) and, in particular, you will perform your duties as a mediator to achieve cost-effective and timely answers that resolve disputes referred to you.
2. You will undertake appropriate continuous professional development relevant to dispute resolution as may be required by the CAAV.
3. You will ensure that you are covered for all your work by appropriate professional indemnity insurance in accordance with the CAAV's Professional Conduct Bylaw 3(b) and decline appointments to undertake work for which you do not have the appropriate cover.
4. When approached by the CAAV for a potential appointment or nomination as a mediator you will respond promptly and recognise that without an initial response within two working days the CAAV may seek to appoint someone else without contacting you again.
5. On being approached for a potential appointment or nomination, you will, with the overriding duty of impartiality, conduct the appropriate investigations and then disclose any involvement and/or conflict of interest that you or your practice may have in the matter. The approach to this is to follow the International Bar Association's *Guidelines on Conflicts of Interest in International Arbitrations* (2014) applying its "traffic light" system in the context of mediation.
6. All information provided to you by the CAAV concerning the dispute or the parties is confidential, having been provided only for the purpose of inviting you to consider whether to accept the invitation to be appointed or nominated. You will not:
 - (i) contact the parties to any proposed appointment or nomination until the President of the CAAV confirms your appointment
 - (ii) use the information provided for any other purpose.
7. On the conclusion of the mediation, you agree to co-operate with the CAAV in such monitoring as it may undertake to assist its understanding and continuing improvement of this service to support the public interest in effective dispute resolution while respecting the confidentiality of the mediation.

8. Your continuing appointment to the Panel will be subject:
- (i) on the expiry of the term of this appointment, to a renewal process, should you then want the appointment to be renewed
 - (ii) to review within the period of appointment where cause arises to give concern about your competence or conduct as a member of the Panel. That review may see your appointment re-affirmed, suspended or revoked, in all cases with or without conditions. You agree to co-operate with the CAAV in the event of such a review.
9. You will notify the CAAV as soon as possible of any occasion where you are:
- (i) the subject of criticism by a judge or an arbitrator
 - (ii) charged with or convicted of a criminal offence
 - (iii) subject to insolvency proceedings
 - (iv) subject of a disciplinary investigation and/or action by any other professional body of which you are a member
- or where your membership of any other professional body is terminated by that body.
10. These terms apply in respect of any mediation that you might be appointed to which continues after the expiry of this appointment to the Panel.

I agree to accept this appointment.

Name

Signature

Date